

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27899 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -SANOKHAR District- BHAGALPUR

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1. Sanjay Singh @ Sanjay Kumar Singh S/o Late Bishwanath Singh
resident of village- Sarmahiya, P.S.- Amdanda, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dimple Kumari d/o Chandrika Singh resident of Village- Ratanpur,
P.S.- Amdanda, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-10-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant got married with the petitioner on 11.06.2014 but about nine months thereafter the present F.I.R was registered on 15.03.2016 with accusation of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That the petitioner welcomes the informant/opposite party no. 2 to the matrimonial home and to keep her with full dignity and honour and fulfil her desires in order to lead a good conjugal life.”

It appears from the impugned order that the learned Court below made an effort to reconcile the issue but the reconciliation failed due to the informant's refusal to accept the offer of the petitioner to keep the informant as wife with full dignity and honour.

None appears on behalf of the informant.

Considering the present stand of the petitioner, this Court feel inclined to remit the matter back to the learned Court below to make an effort to get the issue mediated between the parties. In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Bhagalpur in connection with Sonakhar(Amdanda) P.S. Case No. 16 of 2016.

Let learned Court below issue notice to the informant and fix a date for her appearance. On appearance, the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the informant fails to appear before learned Court below (iii) If the informant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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